

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK\_\_\_\_\_  
HALINA DZEBOLO,

Petitioner,

v.

ADA PEREZ, Superintendent, Bedford Hills  
Correctional Facility,Respondent.  
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**SECOND AMENDED  
OPINION AND ORDER**

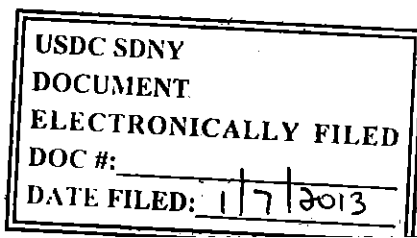
07-cv-3421 (ER)

RAMOS, D.J.:

Halina Dzebolo (the "Petitioner"), an incarcerated *pro se* litigant, filed this Petition for a Writ of Habeas Corpus pursuant to 28 U.S.C. § 2254 on April 30, 2007. On the same date, the case was referred to the Honorable George A. Yanthis, United States Magistrate Judge. The case was reassigned to this Court on January 6, 2012.

On July 16, 2007, Respondent filed its opposition to the Petition. On January 12, 2012, Judge Yanthis issued his Report and Recommendation (the "Report"), recommending that the Petition be denied in its entirety. Petitioner was required to submit any objections she had to the Report by January 30, 2012. No objections were received by that date.

By letter dated March 1, 2012, this Court *sua sponte* enlarged Petitioner's time to submit her objections, if any, by April 1, 2012 and advised her to file the same with the Pro Se Office of the Southern District of New York. The Petitioner did not submit any objections to the Report. Instead, in a series of letter dated March 5, 7, and April 9, 2012, addressed to this Court and the Pro Se Office, she requested that a *pro bono* attorney be assigned to assist her with her response. In the meantime, the Court had extended her time to respond to June 1, 2012.



By Decision an Order dated April 12, 2012, this Court denied her request for *pro bono* counsel. On May 3, 2012, this Court received yet another request from Petitioner for an extension of time to respond so could make further efforts to obtain counsel. The Court granted the request for the extension until July 1, 2012. The Court also indicated, however, that no further requests for extensions would be granted. Petitioner failed to respond to the Report or otherwise make any further application to the Court by July 1, 2012.

Accordingly, having reviewed the Petitioner's and the Respondent's papers, as well as all of the other documents on file in this matter, and in the absence of any objections, the Court hereby ADOPTS Judge Yanthis's Report and Recommendation.

The Court certifies, pursuant to 28 U.S.C. § 1915(a)(3), that any appeal from this Order would not be taken in good faith and therefore IFP status is denied for the purpose of an appeal. See *Coppedge v. United States*, 369 U.S. 438, 444-45 (1962).

The Court further concludes that petitioner has failed to make a substantial showing of the denial of a constitutional right, 28 U.S.C. § 2253(c)(2), and accordingly a certificate of appealability is DENIED.

The Petition is hereby DENIED. The Clerk of the Court is respectfully directed to close this case.

It is SO ORDERED.

Dated: January 7, 2012  
White Plains, NY

  
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Edgardo Ramos, U.S.D.J.